

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 28, 2007
POSITION: Oppose

BILL NUMBER: SB 391
AUTHOR: D. Ducheny

BILL SUMMARY: Parole Reform

This bill would create the Community Corrections Program (CCP) and the Parole Violation Intermediate Sanctions Program (PVISP) within the California Department of Corrections and Rehabilitation (CDCR).

FISCAL SUMMARY

The specific fiscal impact of this bill is unknown, but will be significant. It will cost millions of dollars General Fund to develop the structured parole model as required by this bill. There is a potential cost of tens of millions General Fund as a result of the required increased number of contacts between parole agents and parolees, as well as an additional potential cost of tens of millions for establishment of intermediate sanctions and general creation of the CCP. There will also be a cost of approximately one million dollars General Fund for the required reports to the Legislature. However, there are also potential significant General Fund savings if alternative sanctions are used in lieu of revocation of parole, as well as with the possibility of reduced recidivism if the programs established are successful. The estimated General Fund savings cannot be determined at this time. We note that any request for resources as a result of this measure would be subject to review and approval through the annual budget process.

COMMENTS

The Department of Finance is opposed to this measure because it is premature. Currently, the Rehabilitation Strike Team appointed by the Governor to implement Chapter 7, Statutes of 2007 (AB 900) is working on delivering evidence-based "programming" within the CDCR. This includes the consideration of parole reform and the potential use of intermediate sanctions in lieu of revocation as outlined in the recently released Expert Panel Report on Adult Offender and Recidivism Reduction Programming. In addition, the CDCR already has in place programs similar to the proposed CCP. As such, this measure may be duplicative and unnecessary. Lastly, this measure includes costs that are not included in the Administration's current fiscal plan.

Existing law:

- Allows the Board of Parole Hearings (BPH) the power upon granting parole to any prisoner to impose on the parolee any conditions that it may deem proper.
- Allows the BPH to suspend or revoke any parole and return to prison any prisoner upon parole.
- States that parolees shall remain under the legal custody of the CDCR and shall be subject at any time to being taken back within the enclosure of the prison.
- Allows revocation of parole for cause, and provides for a revocation hearing.
- Gives the BPH the power to establish and enforce parole rules and regulations.
- Provides that any person returned to prison after revocation of parole may be held for 12 months and an additional 12 months for prison misconduct.
- Provides for specified lengths of parole for various offenses.
- Provides for specific services for inmates, including academic training, vocational education, drug treatment and recovery, mental health treatment, and job placement assistance.

COMMENTS (continued)

Analyst/Principal (0234) J. Osborn	Date	Program Budget Manager Todd Jerue	Date
---------------------------------------	------	--------------------------------------	------

Department Deputy Director	Date
----------------------------	------

Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
----------------------	-----------------------------

D. Ducheny

June 28, 2007

SB 391

This bill would:

- Create the CCP and the PVISP within the CDCR.
- Require the CCP to include but not be limited to counseling, electronic monitoring, half-way house services, intensive supervision, mandatory community service assignments, increased drug testing, participation in the Preventing Parolee Crime Program, and restitution.
- Allow the CDCR and the BPH to assign to the CCP low-risk offenders who would otherwise be returned to custody for a parole violation.
- Give the CDCR and the BPH the ability to determine an individual parolee's eligibility for the CCP by considering the totality of the circumstances.
- State that the BPH, in the absence of a new conviction and commitment of the parolee to the state prison, may assign a parolee who violates a condition of his or her parole to the CCP in lieu of revocation.
- Permit the BPH, as an alternative to ordering a revoked parolee returned to custody, to suspend the period of revocation pending the parolee's successful completion of the CCP.
- Prohibit the BPH or the CDCR from assigning a parolee classified by the CDCR as high control or risk to the CCP.
- Prohibit the BPH and the CDCR from assigning a parolee to the CCP if the parolee is involved in the commission of a serious or violent felony, or involves the control of, access to, or use of a weapon.
- Require the CDCR to establish local PVISPs within six geographically designated parole areas with specified requirements.
- Require more frequent contact between parole agents and parolees participating in the PVISP.
- Require local programs for the PVISP to be developed in consultation with all stakeholders.
- Require county stakeholder to develop a plan that is consistent with the PVISP requirements and shall include specified requirements.
- State that implementation of the PVISP is subject to the appropriation of funding in the Budget Act of 2008 and subsequent budget acts.
- Request that the CDCR in consultation with the BPH and the Legislative Analyst's Office, contingent upon funding, to contract with an independent consultant to conduct an evaluation regarding the effect of the CCP on public safety, parolee recidivism, and prison and parole costs and report the results to the Legislature on or before January 1, 2011.
- Require the CDCR and the BPH to jointly report annually to the Legislature beginning December 1, 2008 regarding the status of implementation of the CCP, as specified.
- Require the CDCR, in consultation with the BPH and the LAO, to conduct an evaluation of the PVISP, as specified.
- Require the CDCR and the BPH to jointly report annually to the Legislature, beginning December 1, 2009, regarding the status of implementation of the PVISP, as specified.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2007-2008	FC	2008-2009	FC	2009-2010	Code
5225/Corr & Rehab	SO	No	-----	See Fiscal Summary				-----	0001